



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

June 24, 1991

Mr. Jesus Ramirez  
Attorney for the City of San Juan  
Montalvo & Ramirez  
900 North Main Street  
McAllen, Texas 78501

OR91-305

Dear Mr. Ramirez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11861.

As attorney for the City of San Juan, you have received a request for certain discipline or discharge records concerning two former city police officers. You assert that section 3(a)(3) of the Open Records Act applies to the requested records. Section 3(a)(3) excepts from required public disclosure

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

You have forwarded to us various letters from the attorney who requested the records in issue here. Those letters indicate that the attorney believes the city's liability to his client is apparent and that he is considering filing suit against the city unless his client receives a written offer of settlement from the city. Since the records forwarded to us for review relate to the subject matter of such a suit, you may withhold the requested documents pursuant to section 3(a)(3). See Open Records Decision No. 551 (1990) (copy enclosed).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-305.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lb

Ref.: ID# 11861, 12260, 12241, 12282, 12291

Enclosure: documents; Open Records Decision No. 551.

cc: John E. Schulman  
1505 Tower Life Building  
310 St. Mary's  
San Antonio, Texas 78205-3108